

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated November 30, 2005. A Petition for Extension of Time (two months) and the fee therefor are enclosed.

This Communication follows a telephone interview with the Examiner, Mr. Brinich, on April 25, 2006.

It appears from paragraphs 1 and 2 of the Office Action, that the examination has not been carried out on the correct set of claims. Apparently, the Amendment that was filed with the application on December 19, 2001 has not been considered.

For example, claims 5-16 and 21-32 are not in improper form under 37 C.F.R. §1.75(c). Similarly, claim 33, which is being rejected under the second paragraph of 35 U.S.C. §112, has actually been canceled.

The Examiner advised the applicant's undersigned representative to submit this communication and indicated that the file needs to be sent to another division to be straightened out vis-a-vis the aforementioned Amendment which has not been properly entered by the Patent Office. An Action on the merits will follow thereafter.

Although the Examiner indicated that the applicant should not submit arguments concerning the merits, the fact is that the examination might be facilitated by noting the following with respect to the art that has been applied.

Claims 1, 17 and 33 are stated to be anticipated by Hunt (GB 2323495A), as explained at page 3 of the Office Action. Claims 2-4 and 18-20 are stated to be obvious over Hunt, in view of Filo (5,068,739).

With regard to the Hunt reference, this UK patent is acknowledged in the description of the present application and does not disclose the invention as claimed. The system of Hunt uses an image light sensor 21, shown in Figure 6, and has two separate scattered light sensors 25. Bundles of optical fibers 23 direct light to the scattered light sensors 25.

Hunt does not disclose a reflector arrangement defining an internally reflective cavity with an entrance aperture for receiving light transmitted by the film and an exit aperture for passing light to the image light detectors. In contrast, the optical fibres transmit light to the

scratch detectors not to the image light detectors. Hunt does not disclose a reflector arrangement, which is arranged to surround at least a portion of the image light path. Instead, the optical fibres enclose only the light path to the scratch detectors, not to the image light sensor.

Hunt does not, therefore, disclose the invention as claimed. The arrangement disclosed in Hunt is intended to reduce scratch visibility, but does not achieve the reduction provided by the present invention because light scattered in a direction, which is not in the direction of one of the bundles of optical fibres, would not be detected leaving the scratch visible. In contrast, the present arrangement of a reflector arrangement defining an internally reflective cavity surrounding the imaged light path ensures that light scattered in any of the directions of the surrounding cavity will be reflected and detected by a scattered light sensor.

The system disclosed in Filo (5,068,739) uses an integrating sphere in an imaging system. However, the integrating sphere is used for the purpose of scattering light to produce a colour signal by locating different colour detectors at different points around the sphere. The integrating sphere is not for the purpose of detecting a scratch signal.

Filo does not disclose that a reflector arrangement surrounds an imaged light path. Indeed, Filo does not disclose any collection optics at all arranged to image light through an imaged light path. Instead, all of the light is necessarily scattered within the integrating sphere so that the signal reaching each of the colour detectors is identical. Filo does not, therefore, disclose collection optics, a reflector arrangement with entrance and exit apertures surrounding an imaged light path, and so cannot distinguish between imaged and scattered light, as in the present invention.

The Examiner asserts that it would be obvious to use the integrating sphere of Filo to convey the light to the sensors of Hunt. In fact, this is not obvious, as the integrating sphere of Filo is for the purpose of creating separate colour signals, not scratch detection, and so it would not be obvious to replace the light collection system of Hunt with that of Filo.

Even if one did replace the light collection system of Hunt with that of Filo, one would not arrive at the present invention. In Filo, all of the light transmitted into the integrating sphere (whether from scratched or unscratched parts of film) is reflected internally and transmitted equally to each of the sensors. If one applied this collection system to the system disclosed in

Hunt, one would not have any means of distinguishing between signals derived from light that has been scattered by a scratch and light that has not been scattered by a scratch. Accordingly, such a combination would not obtain the present invention.

Accordingly, the applicant looks forward to receiving a Notice of Allowance in response to the present Communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2006

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Signature

April 28, 2006

\_\_\_\_\_  
Date of Signature

Respectfully submitted,

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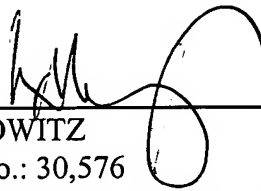
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